

Senate Engrossed House Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

CHAPTER 216

## **HOUSE BILL 2270**

AN ACT

AMENDING TITLE 32, CHAPTER 20, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2119; AMENDING TITLE 45, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 45-108.05 AND 45-108.06; RELATING TO WATER SUPPLY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 20, article 1, Arizona Revised Statutes,  
3 is amended by adding section 32-2119, to read:

4 32-2119. Consumer education; water supply definitions; map

5 A. THE DEPARTMENT OF REAL ESTATE SHALL POST ON ITS WEBSITE INFORMATION  
6 ADVISING PROSPECTIVE HOME BUYERS TO INVESTIGATE WATER AVAILABILITY BEFORE  
7 PURCHASING REAL PROPERTY AND SHALL INCLUDE A LINK TO THE WEBSITE OF THE  
8 DEPARTMENT OF WATER RESOURCES FOR DEFINITIONS OF THE FOLLOWING TERMS THAT  
9 APPLY IN AREAS OF THE STATE OUTSIDE ACTIVE MANAGEMENT AREAS, AS REQUIRED BY  
10 SECTION 45-108.05:

11 1. ADEQUATE WATER SUPPLY.

12 2. INADEQUATE WATER SUPPLY.

13 3. PROPERTY SERVED BY A WATER PROVIDER CURRENTLY DESIGNATED AS HAVING  
14 AN ADEQUATE WATER SUPPLY.

15 4. NO WATER SUPPLY DETERMINATION.

16 B. THE DEPARTMENT OF REAL ESTATE SHALL DISPLAY ON ITS WEBSITE A  
17 CURRENT MAP OF ALL AREAS IN THIS STATE THAT ARE OUTSIDE ACTIVE MANAGEMENT  
18 AREAS ESTABLISHED PURSUANT TO TITLE 45, CHAPTER 2, ARTICLE 2.

19 Sec. 2. Title 45, chapter 1, article 1, Arizona Revised Statutes, is  
20 amended by adding sections 45-108.05 and 45-108.06, to read:

21 45-108.05. Water supply definitions

22 THE DIRECTOR SHALL POST AND MAINTAIN ON THE DEPARTMENT'S WEBSITE  
23 DEFINITIONS OF THE FOLLOWING SUBDIVISION WATER SUPPLY TERMS THAT APPLY TO  
24 AREAS OUTSIDE OF ACTIVE MANAGEMENT AREAS:

25 1. "ADEQUATE WATER SUPPLY".

26 2. "INADEQUATE WATER SUPPLY".

27 3. "PROPERTY SERVED BY A WATER PROVIDER CURRENTLY DESIGNATED AS HAVING  
28 AN ADEQUATE WATER SUPPLY".

29 4. "NO WATER SUPPLY DETERMINATION", WHICH SHALL APPLY TO PROPERTIES  
30 THAT WERE SUBDIVIDED PRIOR TO MAY 1, 1973 AND FOR WHICH THERE HAVE BEEN NO  
31 PLAT CHANGES AFTER THAT DATE, PROPERTIES THAT ARE EXEMPT FROM THE  
32 REQUIREMENTS OF SECTION 45-108 AND PROPERTIES THAT HAVE NOT RECEIVED A  
33 DETERMINATION OF "ADEQUATE WATER SUPPLY" OR "INADEQUATE WATER SUPPLY" AND  
34 THAT ARE NOT SERVED BY A WATER PROVIDER CURRENTLY DESIGNATED AS HAVING AN  
35 ADEQUATE WATER SUPPLY.

36 45-108.06. Water provider water supply information; definitions

37 A. ON OR AFTER JANUARY 1, 2009, AT THE REQUEST OF ANY PERSON, ALL  
38 CITIES, TOWNS AND PRIVATE WATER COMPANIES OUTSIDE OF AN ACTIVE MANAGEMENT  
39 AREA AS ESTABLISHED PURSUANT TO CHAPTER 2, ARTICLE 2 OF THIS TITLE SHALL  
40 PROVIDE A WRITTEN STATEMENT DESCRIBING THE WATER SUPPLY STATUS OF REAL  
41 PROPERTY WITHIN THE SERVICE AREA OF THAT CITY, TOWN OR PRIVATE WATER COMPANY  
42 BASED ON THE MOST RECENT DETERMINATION OF THE DIRECTOR PURSUANT TO SECTION  
43 45-108. THE WATER SUPPLY STATUS DESCRIPTION PROVIDED BY THE CITY, TOWN OR  
44 PRIVATE WATER COMPANY SHALL INCLUDE THE APPLICABLE DIRECTOR'S WATER SUPPLY  
45 DEFINITION POSTED PURSUANT TO SECTION 45-108.05.

1           B. THE WRITTEN STATEMENT REQUIRED IN SUBSECTION A OF THIS SECTION  
2 SHALL BE DELIVERED BY FAX, ELECTRONIC MAIL OR UNITED STATES MAIL AS  
3 DESIGNATED BY THE PERSON REQUESTING THE INFORMATION. THE CITY, TOWN OR  
4 PRIVATE WATER COMPANY SHALL DELIVER THE WRITTEN STATEMENT OF WATER SUPPLY  
5 WITHIN THREE BUSINESS DAYS AFTER RECEIPT OF THE REQUEST.

6           C. FOR THE PURPOSES OF THIS SECTION, "CITY", "TOWN", "PRIVATE WATER  
7 COMPANY" AND "SERVICE AREA" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION  
8 45-402, BUT ALSO INCLUDE CITIES, TOWNS AND PRIVATE WATER COMPANIES SERVING  
9 SURFACE WATER AND COLORADO RIVER WATER.

10           Sec. 3. Effective date

11           This act is effective from and after December 31, 2008.

APPROVED BY THE GOVERNOR MAY 20, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 20, 2008.